Remarks/Arguments

This response is to the Office Action dated September 16, 2005.

Claims 1, 2, 5-8 and 10 remain in this application. Claims 11-13 have been canceled to expedite the allowance of the claims. Claims 14-27 were previously canceled.

Claims 2, and 5-8 have been rejected under 35 USC 102(b) in view of Rogemont (US 4,701,234). Applicants disagree.

The office action states that Rogemont teaches using a thermoplastic elastomer to form a gasket on a mesh.

Rogemont fails to teach or suggest that the use of a thermoplastic elastomer. Instead, it teaches the use of raw silicone that is applied and then polymerized in place. As one of ordinary skill in the art would appreciate, silicone is not a thermoplastic but a thermoset elastomer that needs to be polymerized, cured (as with various catalysts such as platinum) or vulcanized in order to be form stable. Rogemont clearly states and teaches this as well (see Column 2, line 30 "The elastomer material is silicone."; Column 2, lines 31- 32 "raw silicone"; Column 2, line 34, "raw silicone"; Column 2, line 38 "raw elastomer element";Column3, line 61 "silicone strip"; Column4, line 16 "raw silicone"; Column 4, lines 59-60 "to polymerize said raw elastomer".)

As the standard for anticipation is one of strict identity and "the reference must teach every aspect of the claimed invention either explicitly or inherently." (MPEP section 706.02IV, lines 6 and 7) and the cited reference has failed to teach the claimed element of using a thermoplastic elastomer, this reference is not and cannot be an anticipatory reference. As such, the rejection based on 35 USC

102(b) is respectfully requested to be withdrawn as it fails to provide a reference which contains all of the claimed elements of the present claims and therefore no basis for rejection under 35 USC 102 has been properly made.

Claim 1 has been rejected under 35 USC 103(a) over Van Hoek et al (US 2,758,083) in view of Rogemont et al (above). Applicants disagree.

Van Hoek teaches using glue to bond the holes in two adjacent membranes together or alternatively to use a separate preformed spacer device placed between the adjacent surfaces of the two adjacent membranes. It fails to teach an integral sealing device in a filter that extends beyond the surface of the filter. The combination with Rogemont fails to overcome this problem for as provided above Rogemont fails to teach or suggest the use of a thermoplastic elastomer.

The combination of the two references would not have led to the claimed invention. At best the cited combination would have led to the use of the polymerizable thermoset silicone of Rogemont in the device of Van Hoek. However that is not the presently claimed invention. As such it is believed the prima facie case of obviousness has been rebutted and the rejection should be withdrawn.

Claims 10-13 have been rejected under 35 USC 103(a) over Rogemont in view of Van Hoek. Applicants disagree.

The combination of the two references would not have led to the claimed invention. At best the cited combination would have led to the use of the polymerizable thermoset silicone of Rogemont in the device of Van Hoek. However that is not the presently claimed invention. As such it is believed the prima facie case of obviousness has been rebutted and the rejection should be withdrawn.

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,

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